

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CONVOLVE, INC.

vs.

DELL, INC., ET AL

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CASE NO. 2:08-CV-244-CE

VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Court's charge.

1. Did Convolve prove by a preponderance of the evidence that the Defendants directly infringed any of the claims of the '473 Patent identified below?

Answer "Yes" or "No" for each claim and each Defendant.

Claim 7	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 8	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 9	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 10	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 14	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 15	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi

2. Did Convoke prove by a preponderance of the evidence that the Defendants induced the infringement of any of the claims of the '473 Patent identified below?

Answer "Yes" or "No" for each claim and each Defendant.

Claim 7	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi
Claim 8	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi
Claim 9	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi
Claim 10	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi
Claim 14	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi
Claim 15	<u>Yes</u> Dell	<u>Yes</u> Western Digital	<u>Yes</u> Hitachi

3. Did Convolv prove by a preponderance of the evidence that the Defendants contributed to the infringement of any of the claims of the '473 Patent identified below?

Answer "Yes" or "No" for each claim and each Defendant.

Claim 7	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 8	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 9	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 10	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 14	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi
Claim 15	<u>yes</u> Dell	<u>yes</u> Western Digital	<u>yes</u> Hitachi

4. If You found that a Defendant infringed one or more claims of the '473 Patent, did Conville prove by clear and convincing evidence that the Defendant willfully infringed the '473 Patent?

Answer "Yes" or "No" for each Defendant.

Yes Dell Yes Western Digital Yes Hitachi

5. For each asserted claim of the '473 Patent, did Defendants prove by clear and convincing evidence that such claim is invalid?

Check the first column indicated as "valid" or check the second column indicated as "invalid."

	VALID	INVALID
Claim 7	<u>yes</u>	_____
Claim 8	<u>yes</u>	_____
Claim 9	<u>yes</u>	_____
Claim 10	<u>yes</u>	_____
Claim 14	<u>yes</u>	_____
Claim 15	<u>yes</u>	_____

If you have answered YES to any claim included in questions number 1, 2, or 3 with respect to any Defendant, and further if you have determined that such claim is valid, then answer questions number 6(a) – (c) as to any Defendant you have found to infringe.

- 6a. What sum of money, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate Convolve for the Defendants' past infringement?

Only award damages for those claims You find infringed and valid. Do not assess any interest, as the Court will determine interest if it deems necessary. Answer separately for each Defendant.

Dell: \$ 1.5 mil

Western Digital: \$ 2.5 mil

Hitachi: \$ 1.4 mil

- 6b. State whether you applied a running royalty or a lump sum royalty.

Answer "running royalty" or "lump sum."

lump sum

- 6c. If you applied a running royalty, state the royalty rate you have found with respect to each Defendant.

Dell: _____

Western Digital: _____

Hitachi: _____

Signed this 26 day of July, 2011.